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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,648	07/19/2005	Tatsuya Hayakawa	124515	1672
25944 7590 05/27/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER WILHELM, TIMOTHY				
ART UNIT 3616		PAPER NUMBER		
NOTIFICATION DATE 05/27/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
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Office Action Summary

Application No.

10/542,648

Applicant(s)

HAYAKAWA ET AL.

Examiner

Timothy D. Wilhelm

Art Unit

3616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-28 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 8-21, 23 and 28 is/are rejected.
- 7) ☐ Claim(s) 5-7, 22 and 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3,4,8-11,16-18,21,23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takimoto et al (7,182,365), hereafter referred to as Takimoto, in view of Mitsuyoshi (JP 2002127862). Takimoto discloses a knee airbag apparatus comprising an airbag 66; an inflator for supplying gas to the airbag 66; and a non-inflatable airbag support 69 that is directly attached to an instrument panel side portion 67 of the airbag and that expands upon deployment with the airbag from a folded stage, thus showing the desire to safeguard the airbag from the instrument panel.

4. Takimoto fails to disclose the support as having one end free. Mitsuyoshi teaches a support for an airbag that is integrally formed with and formed of the same cloth as said airbag, expands in a deployment direction of the airbag when the airbag is deployed, acts as a guide for the airbag, and deploys between said airbag and a portion of the vehicle thus protecting the airbag from said portion of the vehicle, wherein the support 120C includes a free end 120A that is temporarily attached to the airbag when the airbag is in the folded condition and that separates from the airbag upon deployment. With regard to claims 9-11, the manner with which the support is attached to the rest of the airbag is considered to be a matter of design choice as it is well known in the art to use such devices as stitching (shown in the prior art) and tethers for attaching portions of an airbag to one another. With regard to claim 28, the shape of the support is also considered to be a matter of design choice and is thus not given patentable weight. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the airbag of Takimoto with the teaching of Mitsuyoshi's support to better protect the airbag from the vehicle interior surface during deployment.

5. Claims 15,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takimoto in view of Mitsuyoshi, as applied to claims 1,3,4,8-11,16-18,21,23, and 28 above, and further in view of Okada et al (6,299,202). Takimoto and Mitsuyoshi disclose the present invention except for a case in which the airbag is wrapped. Okada teaches that it is common to wrap an airbag in a case 16 to more easily maintain the airbag in the folded condition. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to modify the airbag of Takimoto and Mitsuyoshi with the teaching of Okada's case to more easily maintain the airbag in a folded condition.

Allowable Subject Matter

6. Claims 5-7, 22, and 24-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
May 21, 2010

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616